

The dispute in this claim relates to medical treatment and temporary total disability benefits awarded for a foot condition which claimant suffered following a work-related back injury. Claimant testified that as a result of the back injury he walked with a limp and developed swelling in his foot. He developed a condition in his foot described by Dr. Mark VinZant as cellulitis with methicillin resistant Staph aureus and described by Dr. Christopher Moeller as dyshidrotic eczema. Both physicians state in reports prepared after examination of claimant that the condition is inherited but may be aggravated by water or chemical exposure. Claimant, whose work includes mopping and vacuuming, testified

to one occasion when he took his shoe off at work after mopping the floor and thereafter doing the vacuuming in his socks. He denied, however, that his foot was exposed to any chemicals and did not testify that his feet were in water. Under these circumstances, the Appeals Board finds claimant failed to meet his burden of showing that the condition for which he seeks medical treatment and temporary total disability benefits constitutes an injury arising out of and in the course of his employment. Accordingly, the Order of the Administrative Law Judge should be reversed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Nelsonna Potts Barnes dated September 20, 1995 should be, and the same is hereby, reversed.

IT IS SO ORDERED.

Dated this ____ day of February 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Joseph Seiwert, Wichita, KS
Anton C. Andersen, Kansas City, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director